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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTIN GUZMAN-GUZMAN,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney
General,

Respondent.

No. 07-71700

Agency No. A90-341-816

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 22, 2008^{**}

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Martin Guzman-Guzman, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' ("BIA") order denying his motion to

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

reopen. We have jurisdiction pursuant to 8 U.S.C. § 1252. We deny the petition for review.

The BIA correctly determined that Guzman-Guzman is not eligible for a special motion to seek relief under former section 212(c). *See* 8 C.F.R.

§ 1003.44(k) (individuals issued a final order of deportation who then illegally return to the United States are ineligible to file a special former section 212(c) motion); *see also Avila-Sanchez v. Mukasey*, 509 F.3d 1037, 1040-41 (9th Cir. 2007).

We do not reach Guzman-Guzman's contentions regarding ineffective assistance of counsel because the BIA's determination that his reinstated deportation order bars relief is dispositive.

PETITION FOR REVIEW DENIED.